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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/336,424	06/17/1999	DAVID T. SULCER	04020.P001	7619

7590

12/13/2002

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EXAMINER

NGUYEN, HAI V

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 12/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/336,424	SULCER ET AL.	
	Examiner	Art Unit	
	Hai V. Nguyen	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

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DETAILED ACTION

1. This Action is in response to the communication received on 24 October 2002.
2. Claims 1-52 are presented for examination.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 26, 51 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) 1, 26, 51 are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) 1, 26, 51 must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 12-52, 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Niblett et al.** US patent no. **6,336,135 B1** in view of **Mutschler, III et al.** U.S. patent no. **5,940,075**.

7. As to claim 12, Niblett discloses a method executed by a local device (Fig.4, item 250') that cooperatively operates with a remote device (Fig. 4, item 230') in order to implement an application software program, said device separated from said remote device by a network (internet), said method comprising:

a) recognizing that a dependence (session ID field and session state filed) on said remote device, said dependence being a need for said remote device to perform some act (issuing 'MQGET_WAIT' or assigning session ID if new, or updating session table, or sending message to application input queue), said act allowing said application software program to continue to operate (Niblett discloses that in Fig. 5 when a Form which includes a session identifier subsequently filled in 300 at the browser, the session identifier will flow back to the gateway program at the server so that the gateway program can associate 320, 330 the subsequently-received form with the correct session. The session identifier is used to distinguish the request from other requests from other users, and other requests from the same user but for different applications, Niblett, Fig. 5, boxes 320, 330; col. 11, lines 53-67; col. 12, line 1-col. 16, line 52); However, Niblett does not explicitly disclose the step of sending a message to said remote device, said message comprising either a definition, a state change, a command or some combination thereof, said definition defining a fixed aspect of a said application software program, said state change describing a change in a non-fixed aspect of said

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application software program, said command being a directive that causes said remote device to perform said act. Thus, the artisan would have been motivated to look to the related networking art for potential methods and apparatus for implementing the sending a message to said remote device, said message comprising either a definition, a state change, a command or some combination thereof.

In the same field of endeavor, Mutschler, related Method For Extending The Hypertext Markup language (HTML) to support Enterprise application Data Binding, discloses in the networking art the processing of Forms. Mutschler discloses in Fig. 6A, the process begins in the client with a start bubble 80 followed by a process step performed in response to entry or selection of an URL that contains certain elements, among which are a FORM name, a SCRIPT name, OPEN command, and a PARTITION name. A Web browser forwards the URL to the Web server 14 without otherwise interpreting it (Mutschler, Fig. 6A, box 81, Fig. 7, box 151; col. 9, lines 23-35; col. 12, lines 60-67, col. 13, lines 1-12).

Accordingly, it would have been obvious to one of ordinary skills in the networking art at the time the invention was made to have incorporated Mutschler teachings of Form data from Legacy application can be associated with GUI controls on a Form displayed in the Web environment with Niblett's teachings for the purpose of retaining the existing information technology investment in legacy programs, yet move to client/server computing on the Web (Mutschler, col. 3, lines 35-43). Mutschler suggests that a user can increase productivity and reduce development and training costs because using the present invention does not require any changes to the legacy programs (Mutschler, col.

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3, lines 35-430). Mutschler also suggests that the SCL can set various states of GUI Controls associate data with them. The current state of the HTML has a limited subset of what is doable in terms of data logic handling (Mutschler, col. 3, lines 35-64).

8. As to claim 13, Mutschler-Niblett discloses said command (if any) further comprises an express command (Mutschler, OPEN command, col. 5, lines 44-67).

9. As to claim 14, Mutschler-Niblett discloses said express command corresponds to a clicking a mouse button (Mutschler, Fig. 3, clicking item 'transmit' box, col. 5, lines 44-67).

10. As to claim 15, Mutschler-Niblett discloses said express command corresponds to hitting an enter key (Mutschler, tabbing at 'Transmit' box and hitting ENTER key; col. 5, lines 44-67).

11. As to claim 16, Mutschler-Niblett discloses said express command corresponds to selecting an option from a menu (Mutschler, col. 5, lines 44-67).

12. As to claim 17, Mutschler-Niblett discloses said command (if any) is an instruction command (Mutschler, col. 5, lines 44-67).

13. As to claim 18, Mutschler-Niblett discloses said instruction command corresponds to getting a form (Mutschler, to obtain a host FORM; col. 5, lines 44-67).

14. As to claim 19, Mutschler-Niblett discloses said state change (if any) corresponds to a new value in a form (Mutschler, data value, col. 5, lines 44-67; col. 6, line 1-36).

15. As to claim 20, Mutschler-Niblett discloses said definition (if any) corresponds to the definition of a form (Mutschler, Figs. 2-4; TRIP Form; col. 5, lines 44-67).

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16. As to claim 21, Mutschler-Niblett discloses updating a GUI understanding by processing said definition (if any) before processing said state change (if any) (Mutschler, Figs. 5A-5C; col. 5, lines 44-67; col. 8, lines 12-67; col. 9, lines 1-22).

17. As to claim 22, Mutschler-Niblett discloses said processing said definition (if any) further comprises updating a definition record associated with said GUI understanding with said definition (if any) (Mutschler, Figs. 5A-5C; col. 5, lines 44-67; col. 8, lines 12-67; col. 9, lines 1-22).

18. As to claim 23, Mutschler-Niblett discloses said processing said state change (if any) further comprises updating a state record associated with said GUI understanding with said state change (if any) (Mutschler, Figs. 5A-5C; col. 5, lines 44-67; col. 8, lines 12-67; col. 9, lines 1-22).

19. As to claim 24, Mutschler-Niblett discloses the method of claim 12 further comprising:

receiving an acknowledgement message from said remote device, said acknowledgement message comprising either a second definition, a second state change, a second command or some combination thereof (Mutschler, Fig. 6C, box 96; col. 9, lines 64-76; col. 10, lines 1-14); and

processing said second definition (if any) before said second state change (if any) and before said second command (if any) (Mutschler discloses that the user then creates Data Names for each field of the Form, SCL syntax will contain each of the Data Names created (Mutschler, Fig. 2; col. 7, lines 40-65; Fig. 6A-6G; col. 9, lines 23-67; col. 10, lines 1-67; col. 11, lines 40); and

processing said second state change (if any) before processing said second command (if any) (Mutschler discloses that in response to inputs by user of the client indicating completion of interaction with the displayed GUI Controls, the Web control interprets such inputs and invokes the process that sends the data to the host application... Next, the Web Agent parses the URL to obtain the Command. After this, an inquiry is made as to whether or not the Command is "Transmit", Mutschler, Fig. 6H-6K, box 126 to box 144; col. 11, lines 41-67; col. 12, lines 1-60).

20. As to claim 25, Mutschler-Niblett discloses further comprising translating said definition (if any), said state change (if any) and said command (if any) to a GUI (Mutschler, Figs. 6C-6K, box 94 to box 129; col. 9, lines 64-67; col. 10, lines 1-67; col. 11, lines 1-60).

21. As to claim 1, Niblett-Mutschler discloses a method, comprising:

a) receiving a message from a remote device, said message comprising either a definition, a state change, a command or some combination thereof, said definition defining a fixed aspect of a user environment, said state change describing a change in a non-fixed aspect of said user environment, said command being a directive that causes a function to be performed (Niblett discloses a process which is a part of the gateway program scans 320 the session table for a match between a table entry and the session identifier and session state information of a received request. If the session and status information do not correspond to an existing interaction with an application, then the gateway program put 360 the status information and input data as a message on the application input queue as described above (Niblett, Fig. 5, 320-360; col. 8, line

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12 – col. 9, line 16; col. 14, line 10 – col. 16, line 52); Mutschler also discloses that the user captures the Form using the combined facility of the INFOConnect Emulator and the PowerClient Development Studio (PDS). This particular FORM entitled TRIP appears in the screen in Fig. 2. It is a typical Form to be completed by an employee of an organization for reimbursement of travel expense (col. 7, lines 26-65; Fig. 6A, box 81 to box 82; col. 9, lines 23-35; Fig. 7, box 151 to 152; col. 12, lines 60-67));

processing said definition if said message included said definition, said processing of said definition occurring before: said state change is processed, if said message included said state change and before said command is processed, if said message included said command (Niblett discloses that in Fig. 5 when a Form which includes a session identifier subsequently filled in 300 at the browser, the session identifier will flow back to the gateway program at the server so that the gateway program can associate 320, 330 the subsequently-received form with the correct session. The session identifier is used to distinguish the request from other requests from other users, and other requests from the same user but for different applications. A process which is a part of the gateway program scans 320 the session table for a match between a table entry and the session identifier and session state information of a received request. If the session and status information do not correspond to an existing interaction with an application, then the gateway program put 360 the status information and input data as a message on the application input queue as described above (Niblett, Fig. 5, 320-360; col. 8, line 12 – col. 9, line 16; col. 14, line 10 – col. 16, line 52); Mutschler also discloses that the user then creates Data Names for each field of

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the Form, SCL syntax will contain each of the Data Names created (Mutschler, Fig. 2; col. 7, lines 40-65; Fig. 6A-6G; col. 9, lines 23-67; col. 10, lines 1-67; col. 11, lines 40)

processing said state change if said message included said state change, said processing of said state change occurring before: said command is processed, if said message included said command and processing said command if said message included said command (Niblett discloses that in Fig. 5 when a Form which includes a session identifier subsequently filled in 300 at the browser, the session identifier will flow back to the gateway program at the server so that the gateway program can associate 320, 330 the subsequently-received form with the correct session. The session identifier is used to distinguish the request from other requests from other users, and other requests from the same user but for different applications. A process which is a part of the gateway program scans 320 the session table for a match between a table entry and the session identifier and session state information of a received request. If the session and status information do not correspond to an existing interaction with an application, then the gateway program put 360 the status information and input data as a message on the application input queue as described above (Niblett, Fig. 5, 320-360; col. 8, line 12 – col. 9, line 16; col. 14, line 10 – col. 16, line 52); Mutschler also discloses that in response to inputs by user of the client indicating completion of interaction with the displayed GUI Controls, the Web control interprets such inputs and invokes the process that sends the data to the host application... Next, the Web Agent parses the URL to obtain the Command. After this, an inquiry is made as to whether or

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not the Command is "Transmit", Mutschler, Fig. 6H-6K, box 126 to box 144; col. 11, lines 41-67; col. 12, lines 1-60).

22. Claims 2-9 are substantially the same the claims 13-19 and are thus rejected for the reason similar to those in rejection claims 13-19.

23. Claim 10 is substantially the same the claims 21-22 and is thus rejected for the reason similar to those in rejection claims 21-22.

24. Claim 11 is substantially the same the claims 23 and is thus rejected for the reason similar to those in rejection claim 23.

25. Claim 26 recites an apparatus corresponding to the method of operation of claim 1. The apparatus claim is obvious in that it is simply follows the logical implementation of the method of operation indicated in the referenced claims to perform each of logical steps of processing a Form on the network that results from the combination of the references discussed above regarding the claim to the method. Thus, the apparatus described in claim 26 would have been obvious in view of the elements provided in the combination of references, which correspond to the steps in the method for the same reasons discussed above regarding claim 1.

26. Claims 27-36 are substantially the same the claims 2-11 and are thus rejected for the reason similar to those in rejection claims 2-11.

27. Claim 37 recites an apparatus corresponding to the method of operation of claim 12. The apparatus claim is obvious in that it is simply follows the logical implementation of the method of operation indicated in the referenced claims to perform each of logical steps of processing a Form on the network that results from the combination of the

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references discussed above regarding the claim to the method. Thus, the apparatus described in claim 37 would have been obvious in view of the elements provided in the combination of references, which correspond to the steps in the method for the same reasons discussed above regarding claim 12.

28. Claims 36-50 are substantially the same the claims 13-25 and are thus rejected for the reason similar to those in rejection claims 13-25.

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

30. Claims 51, 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Niblett-Mutschler** in view of well known features of using computer program product stored on a computer readable medium.

31. As to claim 51, Niblett-Mutschler discloses a machine readable medium having stored sequences of instructions which when executed by a processor, cause the processor to perform the method steps of claim 1.

The Examiner takes **Official Notice (see MPEP 2144.03)** that it is well known in the networking art to utilize a computer readable medium for the storing and execution of the method and apparatus in order to a Form on the network. Therefore, it would

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have been obvious to one of ordinary skill in the networking art at the time the invention was made to have included the use of a computer readable medium to store and execute the procedures of message tracking because use of storage medium for programs used in general purpose computer to execute special purpose functions was routine in the art (Mutschler, cols. 1-14).

32. As to claim 52, Niblett-Mutschler discloses a machine readable medium having stored sequences of instructions which when executed by a processor, cause the processor to perform the method steps of claim 12.

The Examiner takes **Official Notice (see MPEP 2144.03)** that it is well known in the networking art to utilize a computer readable medium for the storing and execution of the method and apparatus in order to a Form on the network. Therefore, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have included the use of a computer readable medium to store and execute the procedures of message tracking because use of storage medium for programs used in general purpose computer to execute special purpose functions was routine in the art (Mutschler, cols. 1-14).

33. Applicant's arguments received on 10/24/2002 have been fully considered but they are not deemed to be persuasive.

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34. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 7:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on 703-305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800/4700.

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Any response to this final action should be mailed to:

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or faxed to:

(703) 746-7239, (for **formal communications**; please mark

"EXPEDITE PROCEDURE").

or:

(703) 746-7240 (for **informal or draft communications**, please

label "PROPOSED " or "DRAFT").

Or:

(703) 746-7238 (for After Final communications).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

KENNETH R. COULTER
PRIMARY EXAMINER



Hai V. Nguyen
Examiner
Art Unit 2142

